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**ELECTION AND POWER OF
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Application Number	09/960,612
Filing Date	September 20, 2001
First Named Inventor	Christen M. Anderson
Group Art Unit	1619
Examiner Name	
Attorney Docket Number	660088.446

I hereby appoint:

☒ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:



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PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

SIGNATURE of Applicant or Assignee of Record

Name Thomas G. Sanders, Ph.D.

Signature

Date

Nov. 28, 2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Christen M. Anderson et al.Application No./Patent No.: 09/960,612 Filed/Issue Date: September 20, 2001Entitled: INHIBITION OF MITOCHONDRIAL CALCIUM/SODIUM ANTIporterMitoKor

(Name of Assignee)

A

corporation(Type of Assignee, e.g., corporation, partnership,
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the
current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached

1. From: _____ To: _____

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1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records
of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Nov. 28, 2001
DateThomas G. Sanders, Ph.D.

Typed or printed name

Thomas G. Sanders
SignatureVice President of Business Development

Title

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Assistant Commissioner for Patents, Washington, DC 20231.

Docket No. 660088.446

231459_1

ASSIGNMENT

WHEREAS, we, Christen M. Anderson, Robert E. Davis, Yahzong Pei and Soumitra S. Ghosh (hereinafter referred to as ASSIGNORS), having mailing addresses of 756 Poinsettia Park South, Encinitas, California 92024; 13272 Glencliff Way, San Diego, California 92130; 5185 Seachase Street, San Diego, California 92130, and 12334 Pathos Lane, San Diego, California 92129, respectively, are the joint inventors of an invention entitled "INHIBITION OF MITOCHONDRIAL CALCIUM/SODIUM ANTIporter," as described and claimed in the specification for which an application for United States letters patent was filed on September 20, 2001 and assigned Application No. 09/960,612.

WHEREAS, MitoKor (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 11494 Sorrento Valley Road, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Nov. 16, 2001

Date

Christen M. Anderson

Christen M. Anderson

State of California)

County of San Diego)

ss.

I certify that I know or have satisfactory evidence that Christen M. Anderson is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



Dated November 16, 2001

Signature of Notary Public Alice A. Roder

Printed Name Alice A. Roder

My appointment expires July 22, 2004

November 28, 2001

Date

Robert E. Davis

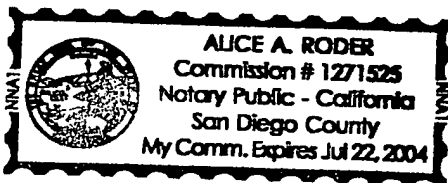
Robert E. Davis

State of California)

County of San Diego)

ss.

I certify that I know or have satisfactory evidence that Robert E. Davis is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated November 28, 2001

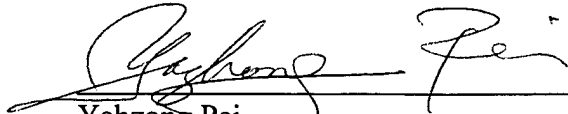
Signature of Notary Public Alice A. Roder

Printed Name Alice A. Roder

My appointment expires July 22, 2004

Nov. 16, 2001

Date

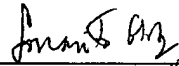

 Yahzong Pei
State of California)County of San Diego)

ss.

I certify that I know or have satisfactory evidence that Yahzong Pei is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated November 16, 2001Signature of Notary Public Alice A. RoderPrinted Name Alice A. RoderMy appointment expires July 22, 2004Nov 16, 2001

Date

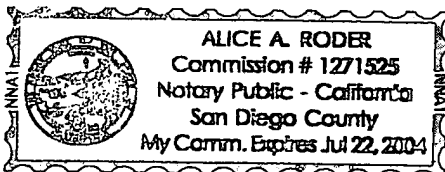


Soumitra S. Ghosh

State of California)County of San Diego)

ss.

I certify that I know or have satisfactory evidence that Soumitra S. Ghosh is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated November 16, 2001Signature of Notary Public Alice A. RoderPrinted Name Alice A. RoderMy appointment expires July 22, 2004